

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

CUSTODIA BANK, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 22-CV-00125-SWS
	)	
FEDERAL RESERVE BOARD OF	)	
GOVERNORS and FEDERAL RESERVE	)	
BANK OF KANSAS CITY,	)	
	)	
Defendants.	)	

**JOINT MOTION TO AMEND THE SCHEDULING ORDER**

Plaintiff Custodia Bank, Inc. (“Custodia”), by and through its counsel, along with Defendant the Federal Reserve Board of Governors (“the Board”) and Defendant the Federal Reserve Bank of Kansas City (“the Kansas City Fed”), by and through their counsel, hereby move the Court for leave to amend the Scheduling Order in light of the Amended Complaint. In support of that motion, the parties hereby assert as follows:

1. On January 17, 2023, the Court entered a Scheduling Order in this matter.
2. On January 27, 2023, the Kansas City Fed communicated to Custodia that the latter’s request for a master account had been denied, and Defendants the Board and the Kansas City Fed moved to dismiss this case.
3. Rather than dismissing the case, the Court permitted Custodia to file an Amended Complaint on February 28, 2023. Defendants moved to dismiss the Amended Complaint on March 28, 2023, and the Court entered an order resolving those motions on June 8, 2023.
4. Due to these developments occurring after the Court entered the Scheduling

Order, the parties agree that the deadlines in the Scheduling Order need to be amended. On June 15, 2023, the parties met and conferred and agreed on new deadlines.

4. With respect to the discovery between Plaintiff and Defendant Kansas City Fed, the agreed-upon deadlines are as follows:

- Plaintiff's Expert Witness Designation was due May 15, 2023, and will now be due October 6, 2023;
- Kansas City Fed's Expert Witness Designation was due June 15, 2023, and will now be due November 6, 2023;
- The parties' Designation of Other Witnesses was due June 30, 2023, and will now be due November 20, 2023;
- The Discovery Cutoff Date was July 21, 2023, and will now be due December 18, 2023;
- The filing deadline for Dispositive Motions and *Daubert* Challenges was due July 21, 2023, and will now be due December 18, 2023; the Responses were due August 21, 2023, and will now be due January 18, 2024; the Replies were due September 5, 2023, and will now be due February 1, 2024;
- The Final Pretrial Conference was October 17, 2023, and will now be March 19, 2024;
- The Bench Trial was set to start November 6, 2023, and will now start April 8, 2024.

5. With respect to administrative record review, the agreed upon deadlines are as follows: Defendant Board's Administrative Record will now be due August 21, 2023 (previously February 9, 2023); the Petitioner Brief will now be due December 18, 2023 (previously July 21,

2023); the Response will now be due January 18, 2024 (previously August 21, 2023); and the Reply will now be due February 1, 2024 (previously September 5, 2023).

6. These extensions are unavoidable because, pursuant to Local Rule 26.1(b), discovery was stayed following Defendants' motions to dismiss the Amended Complaint.

WHEREFORE, the parties hereby move the Court to order the stipulated amendments to the Scheduling Order.

DATED this June 22, 2023.

Counsel for Plaintiff: /s/ Scott E. Ortiz

Counsel for Defendant Federal Reserve Board of Governors: /s/ Joshua P. Chadwick

Counsel for Defendant Federal Reserve Bank of Kansas City: /s/ Andrew Michaelson

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**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of the foregoing document was delivered to the Court via the CM/ECF System and served upon counsel via CM/ECF electronic transmission this June 22, 2023:

Mark Van Der Weide

Richard M. Ashton

Joshua P. Chadwick

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/s/ Jamie Wolfe  
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